

**BOARD OF ALDERMEN  
REGULAR MEETING  
JULY 1, 2013**

The Board of Aldermen of the City of Milford held their Regular Meeting on Monday, July 1, 2013 in the aldermanic chambers of City Hall. Chairman P. Vetro called the meeting to order at 7:33 p.m. Chairman Vetro asked those present to join in saluting our flag and reciting the Pledge of Allegiance.

**1. Roll Call**

Board Members Present

B. Anderson  
B. Bier (7:37 p.m.)  
R. Dickman  
D. German  
A. Giannattasio  
R. Nunno  
F. Smith  
P. Smith  
G. Stanford  
N. Veccharelli  
P. Vetro  
R. Vitali

Also Present

Mayor Benjamin G. Blake  
J. Berchem, City Attorney  
L. Stock, City Clerk  
P. Erodicti, Finance Director  
S. Fournier, Mayor's Admin. Asst.

Excused

G. Gasper  
J. Golden  
S. Shaw

**2. Public Statements**

Public statements are limited to the legislative function of the Board of Aldermen. He stated only residents; taxpayers or electors may address the Board. He encouraged speakers not to express derogatory or offensive attacks. The time limit granted to each speaker shall be three (3) minutes. He asked each speaker to adhere to the three-minute limit.

J. Prisco – 11 Riverdale Road – thanked the Mayor and aldermen for the work on the basketball courts on Anderson Avenue. He stated he was glad to finally see the work getting done. He went on to read a letter from a woman who wrote to him regarding the basketball courts at five corners. Mr. Prisco also suggested the city get rid of the apron along Anderson Avenue in front of the basketball/tennis/playground areas. He also spoke about guardrails stating they are still falling apart. He also asked why Milford had to raise the sewer tax every year. He asked the Board to think about the seniors and do something for them, adding they pay taxes too and are having a hard time.

J. Braun – 22 Salem Walk – stated she has been a professional registered nurse for 38 years and a school nurse here in Milford for 13 years and provides health care in all aspects so that our children can reach their potential. She stated she was speaking tonight for those who could not speak for themselves. She stated she was speaking against Cole Brothers and their crews. Reading from a prepared statement she spoke of the violence and abuse of the animals, especially the elephants. She asked the Board to ban animal circuses in Milford and promote an

animal free circus. She went on to read a story about animals. She reiterated Milford needed to take action to ban animal circuses.

L. Davies – 20 Pamela Drive – stated she came to this Board last year with many facts about Cole Bros. and why they should not come back to Milford. She stated there was a protest back in June and the reaction was pure outrage regarding the circus coming. She continued reading from a prepared statement citing the numerous violations of Cole Bros. Ms. Davies also stated there is no economic benefit to Milford or Milford stores when the circus comes to Milford. She stated the Board has the opportunity to stand up for what their constituents want and asked the Board to introduce an Ordinance that has teeth and ban these type of circuses in Milford. She stated there is no reason Milford can't do it. She asked the Board to live up to Milford's motto "Small City with a Big Heart."

M. Michek – 20 Pamela Drive – stated he agrees with and supports the statements of Ms. Davies. He stated with the history of their violations it is ridiculous that Cole Bros. is still around in cities like Milford. He stated the time is now.

H. Allen – 21 Concord Street – stated she is proud to say she owns an animal rights shop. She spoke of how she went to the area where the circus was held in the middle of the night and you could hear the elephants screaming. She stated all animals deserve respect, adding it is something we teach our children. She stated now is the time to make a statement "no more animal circuses."

S. Hubbard – 245 Plains Road - spoke of the torture of the circus animals. She stated people just are not aware of the abuse these animals go through. She commented society does so much to stamp out abuse in children and adults, it's time to do something about these animals. She asked the Board to please put a ban on these types of events.

P. Liptak – 595 Roses Mill Road – stated she did not want to be redundant and echoed the comments of the previous speakers. She asked the Board to look at the evidence and read through the packets they were received tonight and stated she was confident there would be only one conclusion, that Milford does not need animal abuse for entertainment.

3. Consideration of the Minutes of the Regular Meeting of the Board of Aldermen held on June 3, 2013.

Ald. Veccharelli and Ald. Nunno made and seconded a motion to approve the minutes of the June 3, 2013 meeting as presented. Motion carried unanimously.

4. Consideration of the Minutes of the Special Meeting held on June 24, 2013.

Ald. Veccharelli and Ald. Nunno made and seconded a motion to approve the minutes of the Special Meeting held on June 24, 2013. Motion carried unanimously.

5. Chairman's Report and Communications.

Chairman Vetro wished the Board and residents a safe and Happy 4<sup>th</sup> of July.

## 6. Mayor's Report and Recommendations:

Mayor Blake asked the Board for their consideration and action on items 8a-8g on the agenda. In addition, he stated he wished to bring to the Board's attention the retirement of some long time City employees. He recognized the length of service of Robert Gregory, Economic and Community Development Director, John O'Connell, Personnel Director; and Jean Tsang, Library Director. He stated it is a huge loss as far as institutional knowledge. Mayor Blake reported a search committee has been convened for the Personnel Director and wished all three individuals a happy retirement. He also stated he wished to introduce the new DPLU Director, Joe Griffith, who he stated has been with the City nearly one month. Mayor Blake stated Mr. Griffith was making great strides in his new position. He provided the Board with Mr. Griffith's background and wished him well in his new position.

## 7. Unfinished Business

7a. Board of aldermen approval is requested per the recommendation of the Planning and Zoning Board dated March 8, 2013, for the abandonment of the unimproved portion of Dawes Street located between #34 and #46 Lindy Street, Map 57, Block 712, between Parcels 82 and 84 (Tabled from last month)

Ald. Veccharelli and Ald. Nunno made and seconded a motion to remove the item from the table. Motion carried unanimously.

Ald. Veccharelli and Ald. Nunno made and seconded a motion to approve the request per the recommendation of the Planning and Zoning Board dated March 8, 2013, for the abandonment of the unimproved portion of Dawes Street located between #34 and #46 Lindy Street, Map 57, Block 712, between Parcels 82 and 84.

Ald. German commented there are three properties that abut this piece of land, and asked if all three owners could get a piece of this property.

Ald. Veccharelli stated in the aldermen packet the aldermen asked the City Attorney for guidance to separate this property. He stated it appears it would be inappropriate to divide the property any further and that it may be best to hear from the City Attorney.

Attorney Berchem referenced the memo that he addressed to Mayor Blake. He stated the property is not the City's to convey, adding it is a public easement. He stated the request to this Board is simply to discontinue the public easement.

Motion carried unanimously.

## 8. New Business (from Mayor's Report Items 8a-8g)

8a. Ald. Veccharelli and Ald. Nunno made and seconded a motion to approve the appointment of (D) Brendan Magnan, 153 Rogers Avenue, 06460, from an alternate to a regular member of the Inland Wetlands Agency to fill the present vacancy )3-year term expiring 12/31/14), and for the appointment of (D) David DeFlumeri, 3 Hillcrest Avenue, 06460, as an alternate member of the Inland Wetlands Agency to complete the unexpired term of (D) Brendan Magnan (term expiring 12/31/15). Motion carried unanimously.

City Clerk Linda Stock swore in Mr. Magnan and Mr. DeFlumeri to their respective appointments.

8b. Ald. Veccharelli and Ald. Nunno made and seconded a motion to approve the request for the Resolution regarding the City of Milford opting out of the Urban Action Program in order to be designated as a Small Town Economic Assistance Program Community.

Ald. Anderson commented it makes sense that Milford would become one of the largest grant recipients along with other towns such as Greenwich and competing with larger grant entities. Ald. Anderson directed his question to the City Attorney and asked if other grants would be provided to the Board for their consideration.

Mayor Blake stated the Office of Policy Management has two policies. He stated the City has not received any grants over the last 30 years and that this Resolution allows the City to apply.

Ald. Anderson thanked the Mayor, commenting it is positive for Milford. He questioned the language and stated he wished to ensure any grants related to the program come before the Board for its consideration.

Ald. P. Smith asked if there would be any impact on the City receiving block grants.

Mayor Blake stated that is one of the questions he investigated. He stated to the best of his knowledge the City would not be losing out.

Ald. P. Smith asked if there would be any impact regarding the Walnut Beach designation and anything related.

Mayor Blake stated that particular grant is a Federal grant. He stated this is solely State.

Ald. P. Smith stated the Borough of Woodmont was given a grant last year and asked if that was a Steep grant.

Mayor Blake stated they did receive a Steep grant last year. He explained Woodmont is a municipality and they have the ability to apply for their own grants.

Ald. Veccharelli thanked the Mayor for taking an active approach and realizing the City had not been very successful in obtaining grants in the past. He stated he was glad to see the City moving forward. He stated it was a tremendous list shown in the packet. He reiterated having not received any funds for over 30 years, he was glad to see the Mayor look into this.

Motion carried unanimously.

8c. Ald. Veccharelli and Ald. Nunno made and seconded a motion to approve the request for the Agreement Between the State of Connecticut and the City of Milford for Rights of Way Activities in Conjunction with Urban Systems Improvements Related to the Naugatuck Avenue Drainage Improvements and to authorize the Mayor, Finance Director, City Attorney, Public Works Director and City Engineer to take all Steps necessary, including signing all documents, to effectuate said agreement.

Motion carried unanimously.

Ald. P. Smith asked if this was the last step before the work could actually begin.

Mayor Blake stated the construction phase is slated for July. He explained the project is being funded through the federal government. He also noted the City Engineer has been working diligently on this project.

Motion carried unanimously.

8d. Ald. Veccharelli and Ald. Nunno made and seconded a motion to authorize the City of Milford to accept funding and/or services from the United States Department of Agriculture's Natural Resources Conservation Service and the State of Connecticut's Department of Energy and Environmental Protection for projects, including the removal of sand and debris from the Melba Street site in order to restore better drainage and flow between the Calf Pen Meadow Creek and Long Island Sound, and to authorize the Mayor to take all steps necessary, including signing all documents, to effectuate the receipt of said funds and/or services.

Ald. P. Smith stated she met with the Heritage Sound Association members and stated they had concerns about flooding in that area and also erosion. She also stated according to members of the Association they area is only cleaned up twice a year.

Mayor Blake stated Nettleton Creek would also be a part of this project. He also explained these are considered 220 day projects and that there is some frustration that some of these projects are drawn out. He also stated there was a grant opportunity that Milford applied for.

Ald. P. Smith stated she would like to provide the folks at Heritage Sound an update after the 4<sup>th</sup> of July holiday and that they would also like to hear from the Mayor. She also stated it was her understanding this amount authorization was for 75% of the funding. Ald. P. Smith stated she has verbal assurances it would be covered.

Motion carried unanimously.

8e. Ald. Veccharelli and Ald. Nunno made and seconded a motion to approve the request Resolution Re: Consolidated Housing and Community Development Strategy and Plan for fiscal year 2013-2014. Motion carried unanimously.

8f. Ald. Veccharelli and Ald. Nunno made and seconded a motion to approve the request to authorize the City of Milford to accept the Assistance to Firefighters FY 2012 Grant Award in the amount of \$280,000 which is conditioned upon a matching contribution of 20 percent, and to authorize the Mayor and the Fire Chief to take all steps necessary, including signing all documents, to effectuate the receipt of said grant funds. Motion carried unanimously.

8g. Ald. Veccharelli and Ald. Nunno made and seconded a motion to approve the request for Allocation Transfer #1 (Assistance to Firefighters Grant Matching Funds). Motion carried unanimously.

9. New Business not on the Agenda which may be introduced by a two-thirds (2/3) vote of those present and voting.

None.

10. Budget Memo Transfers

None.

11. Refunds

(a) Ald. Veccharelli and Ald. Nunno made and seconded a motion to approve Consideration of Refunds in the amount of \$3,414.81. Motion carried unanimously.

(b) Ald. Veccharelli and Ald. Nunno made and seconded a motion to approve Consideration of the Suspense List in the amount of \$135,253.03. Motion carried unanimously.

12. Report of Standing Committees:

a. Ordinance Committee – Ald. F. Smith reported the Committee met earlier this evening to consider an Ordinance and voted unanimously to forward to the full Board of Aldermen with a favorable recommendation.

Ald. F. Smith and Ald. Nunno made and seconded a motion to approve An Ordinance Further Amending Chapter 17.1 of the Code of Ordinances of The City Of Milford (General Government Retiree Adjustments).

Ald. F. Smith stated this was recommended to the full Board based on the representations of the Pension Board Chairman and the Pension Board's review. He stated this adjustment/cost of living increase was requested in 2011 and that they basically are three year increments. Ald. F. Smith stated the effective date of the Ordinance is May 1, 2013, which was at the recommendation of the City's actuary advisors. He also commented it was his understanding this maintains the integrity of the pension fund and in addition it would have no impact on the taxpayer.

Mr. Erodici stated for clarification it is the non-uniformed on the City side of the budget which is fully funded. He stated he did not know the affect on the taxpayer and could not speak to the future.

Ald. F. Smith stated he wished to recognize Attorney Code, Chairman of the Pension Board for additional comment on the mater.

Attorney Cody explained the background and how this came about to come before this Board. He stated his understanding of the statute is that the Pension Board looks at it every three years, but does not necessarily have to accept it.

Ald. F. Smith asked about amending the date to January 2013.

Attorney Cody stated he would have to ask the actuaries for the actual dollar numbers.

Chairman Vetro asked why this was coming to this Board now.

Attorney Cody explained the Pension Board denied the COLA in 2011. He pointed out he was not on the Pension Board then, nor was he the chairman. He stated when this recommendation came to the Pension Board this time the Board unequivocally made a recommendation.

Ald. Veccharelli stated he believed there are a number of retirees, possibly as many as 420.

Attorney Cody directed the Board to a chart in their papers. He stated he believed the number was around 475.

Ald. Veccharelli asked if it was a 2% increase from 1974 to 2009.

Attorney Cody explained the chart which was attached to the study.

Ald. Veccharelli asked if it was possible to get an actual figure.

Attorney Cody stated he could not. He stated he asked Hooker & Holcomb who did a chart which is attached in the aldermen's packets.

Mayor Blake stated the amount was pursuant to the actuary findings.

Ald. P. Smith commented she would be comfortable with the recommendation of the actuary. She also stated that early Attorney Cody had stated the fund was about 110% funded.

Attorney Cody responded yes, that it was based on 2012 numbers from Hooker & Holcomb.

Ald. P. Smith commented a lot of time had been spent on this and that traditionally in Milford we have been very conservative.

Ald. Vitali agreed a lot of work had gone into this and that he would be in favor of it.

Ald. Vitali and Ald. P. Smith made and seconded a motion to move the question.

By roll call vote, the motion failed 6 yes (Bier, Dickman, German, Giannattasio, P. Smith, Vitali) and 6 no (Anderson, Nunno, F. Smith, Stanford, Veccharelli, Vetro).

Ald. Stanford asked if it was the firefighters that had not received a raise in four years.

Attorney Cody stated when they are talking were the non-uniformed employees.

Ald. F. Smith requested a 10 min. recess.

Chairman Vetro stated the Board would take a 5 minute recess. The Board recessed at 8:53 p.m.

Chairman Vetro reconvened the Board in public session at 9:05 p.m.

Ald. F. Smith commented he felt there had been delays due to lack of attention or commitment to get this resolved. He stated in respect to those who have been denied, to go back to January 2012.

Ald. F. Smith and Ald. Nunno moved to amend the motion to change to date back to January 2013.

Ald. Bier asked what the impact would be to the pension.

Ald. Anderson stated he believed it would be one half of the \$132,000, which would be roughly \$61,000.

Ald. P. Smith stated she would be uncomfortable with this Board making changes without knowing the impact. She stated what is going on here is second guessing the professionals on the pension board. Not comfortable going against the recommendation of the Pension Board.

Ald. F. Smith stated he agreed, but that this is a minor adjustment in light of the actuary. He stated it is the fair thing to do.

Ald. Giannattasio stated he did not recall there being a delay in this reaching this Board. He also questioned the 12<sup>th</sup> hour. Also no one seems to know the cost to the taxpayer. He stated in 2011 the Pension Board made their recommendation which was to make no adjustment. He stated this was revisited in 2012 and the Pension Board made a recommendation to go back to May 2013.

Mayor Blake stated this Ordinance went out as soon as it was received, but based on notice requirements it did not make the June meeting.

Ald. P. Smith stated she agreed in part. She stated she did not believe there was a delay, but that they decided not to go forward, but changed later on. She stated she would be inclined to go ahead with the recommendation of the Pension Board.

Ald. Vitali commented it never ceases to amaze him that these are experts in their field and this Board is trying to make a change. He stated the recommendation came to this Board and this Board should then act on it.

Ald. Veccharelli stated the Board should have been made aware of this earlier. He stated for the small number of people being discussed it should revert back to January 2012. He stated these individuals are on fixed incomes and struggling like all of us. He also pointed out the fund is completely funded 110% without any cost to the taxpayer so to squabble over \$150 is really sad. He stated he would support the amendment and expressed his hope his colleagues on the other side would do the same.

Ald. Vitali and Ald. Giannattasio made and seconded a motion to move the question.

By roll call vote, the motion carried 9 yes (Anderson, Bier, Dickman, German, Giannattasio, Nunno, P. Smith, Stanford, Vitali) and 3 no (F. Smith, Veccharelli, Vetro).

By roll call vote, the amendment fails 6 yes (Anderson, Nunno, F. Smith, Stanford, Veccharelli, Vetro) and 6 no (Bier, Dickman, German, Giannattasio, P. Smith, Vitali).

On the main motion, motion carried unanimously.



- b. Public Safety and Welfare Committee – no report.
- c. Public Works Committee – no report.
- d. Claims Committee – no report
- e. Rules Committee – no report.
- f. Personnel Committee – no report.

13. Report of Special Committees:

- a. Liaison Sub-Committee – Board of Education – no report.
- b. Liaison Sub-Committee – Flood & Erosion Board – no report.
- c. Liaison Sub-Committee – Park, Beach & Recreation Comm. – no report
- d. Liaison Sub-Committee – Planning & Zoning Board – no report.
- e. Liaison Sub-Committee – Sewer Commission – Mayor Blake commented for the record that the sewer user fee went down in Milford and also that the rate is the lowest in the State.
- f. Liaison Sub-Committee – Harbor Management Commission – no report.
- g. Liaison – Council on Aging – no report.
- h. Permanent School Facility Building Committee – no report.
- i. Liaison Sub-Committee – Library Board – no report
- j. Liaison Sub-Committee – Fowler Memorial building – no report
- k. Liaison Sub-Committee – Milford Redevelopment & Housing Partnership – no report.
- l. Golf Course Commission – no report.
- m. Inland Wetlands Agency – no report.
- n. Liaison Health Department – no report.
- o. Devon Revitalization Committee – no report.
- p. Human Services Commission – no report
- q. Liaison Pension & Retirement Board – no report.
- r. Milford Government Access Television (MGAT) – no report.

14. Executive Session. A two-thirds (2/3) vote of those present and voting is required for any item to be considered in executive session. A two-thirds (2/3) vote of those present and voting is required to go into executive session.

The Chairman shall announce, in public session, those items to be covered in executive session and call for a vote to enter executive session. If a two-thirds (2/3) vote, to enter executive session, is obtained, the hall shall be cleared and executive session declared.

14a. Consideration of settlement of AKG Realty, LLC v. City of Milford  
Re: 66 Quirk Road

14b. Consideration of settlement of Kelly A. Dellacroce and Bruce Judelson, Trustees of the Kelly A. Dellacroce Family Trust v. City of Milford  
Re: 138 Woodmont Road

- 14c. Consideration of settlement of Kelly A. Dellacroce and Bruce Judelson, Trustee of the Jode Trust, Inc. v. City of Milford  
Re: 114 Woodmont Road
- 14d. Consideration of settlement of Woodmont Realty Investors, Inc. v. City of Milford  
Re: 130 Woodmont Road
- 14e. Consideration of Ratification of a successor collective bargaining agreement between the Registered Professional Nurses Association of Milford.

Chairman Vetro announced those going into Executive Session would be the full Board, Mayor, City Attorney and City Assessor for items 14a, 14b, 14c, 14d and for item 14e the Mayor and City Attorney.

Ald. Veccharelli and Ald. Nunno made and seconded a motion to enter Executive Session to consider those items announced above by the Chairman. Motion carried unanimously.

The Board adjourned to Executive Session at 9:27 p.m.

Note: City Assessor Dan Thomas left Executive Session at 9:38 p.m.

Chairman Vetro reconvened the meeting in public session at 9:46 p.m.

(14a) Ald. Veccharelli and Ald. Nunno made and seconded a motion to authorize the City to enter into settlement RE: AKG Realty, LLC v. City of Milford, (66 Quirk Road), in accordance with the recommendations of the City Assessor and City Attorney as discussed in Executive Session. Motion carried unanimously.

(14b) Ald. Veccharelli and Ald. Nunno made and seconded a motion to authorize the City to enter into settlement RE: Kelly A. Dellacroce and Bruce Judelson, Trustees of the Kelly A. Dellacroce Family Trust v. City of Milford, et al, (138 Woodmont Road) in accordance with the recommendations of the City Assessor and City Attorney as discussed in Executive Session. Motion carried unanimously.

(14c) Ald. Veccharelli and Ald. Nunno made and seconded a motion to authorize the City to enter into settlement RE: Kelly A. Dellacroce and Bruce Judelson, Trustees of the Jode Trust, Inc. v. City of Milford, et al (114 Woodmont Road), in accordance with the recommendations of the City Assessor and City Attorney as discussed in Executive Session. Motion carried unanimously.

(14d) Ald. Veccharelli and Ald. Nunno made and seconded a motion to authorize the City to enter into settlement RE: Woodmont Realty Investors, Inc. v. City of Milford (130 Woodmont Road) in accordance with the recommendations of the City Assessor and City Attorney as discussed in Executive Session. Motion carried unanimously.

(14e) Ald. Veccharelli and Ald. Nunno made and seconded a motion to approve Consideration of Ratification of a successor collective bargaining agreement between the Registered Professional Nurses Association of Milford in accordance with the recommendations of the City Attorney as discussed in Executive Session. Motion carried unanimously.

Being no further business to discuss, Ald. Veccharelli and Ald. Nunno moved to adjourn at 9:49 p.m. Motion carried unanimously.

Respectfully submitted,

Kathleen K. Huber  
Recording Secretary